



*United States Attorney
Southern District of New York*

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**PODIATRIST MARK DAVIS PLEADS GUILTY TO FEDERAL
HEALTH CARE FRAUD AND WITNESS RETALIATION CHARGES**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, BRIAN J. SMITH, the Special Agent in Charge of the U.S. Department of Health and Human Services, and PASQUALE D'AMURO, the Assistant Director in Charge of the New York Office of the FBI, announced that MARK DAVIS, a podiatrist with practices in Toms River, New Jersey, and Staten Island, New York, pled guilty today in Manhattan federal court to one count of conspiracy to commit mail fraud and wire fraud and one count of witness retaliation. These charges arose from DAVIS' participation in a scheme to defraud Medicare and numerous health insurance companies.

According to the Information filed against DAVIS, as well as DAVIS's statements in connection with his guilty plea, from January 2000 through March 2004, DAVIS submitted numerous fraudulent health claims to Medicare and to nine private health insurance companies for podiatric and Magnetic Imaging Resonance ("MRI") services that were never rendered at his two podiatric practices, Footcare Services of Toms River and Staten Island

Footcare.

Additionally, according to the Information, on about March 9, 2004, several days after DAVIS was arrested and presented in Manhattan federal court on a Complaint charging him with conspiring to commit mail fraud and wire fraud, DAVIS retaliated against a podiatrist who provided information to federal law enforcement officials regarding the health care fraud scheme. In particular, DAVIS sent an e-mail that made various disparaging allegations against this podiatrist to the website of the New York State Podiatric Medical Association, a tax-exempt, not-for-profit voluntary professional association of podiatrists in New York.

With respect to the conspiracy charge, DAVIS faces a maximum sentence of 20 years' imprisonment and a maximum fine of \$250,000 or twice the gross gain or loss resulting derived from the offense.

On the witness retaliation charge, DAVIS faces a maximum sentence of 10 years' imprisonment and a maximum fine of \$250,000 or twice the gross gain or loss resulting derived from the offense.

In addition, according to a plea agreement, DAVIS agreed to pay \$1,055,549 in restitution and to forfeit his interest in his Colts Neck, New Jersey, residence.

United States District Judge LORETTA A. PRESKA scheduled sentencing for December 8, 2004.

MARK DAVIS, 39, is a resident of Colts Neck, New

Jersey. On or about March 4, 2004, he was arrested, pursuant to a Complaint charging him with conspiracy to commit mail fraud and wire fraud, and released on bail. On or about March 17, 2004, he was arrested again, pursuant to a Complaint charging him with witness retaliation. He was subsequently ordered detained and has been in federal custody since that date.

Mr. KELLEY praised the efforts of the Department of Health and Human Services, Office of Inspector General, the Federal Bureau of Investigation, the U.S. Postal Inspection Service, and the Internal Revenue Service, Criminal Investigations Division, and thanked the Monmouth County Office of the County Prosecutor and the Colts Neck Police Department for their assistance in this case.

Assistant United States Attorney SIGAL MANDELKER is in charge of the prosecution.

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